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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/785,223	02/16/2001	Loren Swingle	Verizon-6	4340

32127 7590 04/20/2006

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EXAMINER

ANWAH, OLISA

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 04/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/785,223	<b>Applicant(s)</b> SWINGLE ET AL.	
	<b>Examiner</b> Olisa Anwah	<b>Art Unit</b> 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 March 2006.  
 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-35 is/are pending in the application.  
     4a) Of the above claim(s) 1-5, 7, 14 and 18-35 is/are withdrawn from consideration.  
 5) ☐ Claim(s) 6, 9-13 and 15-17 is/are allowed.  
 6) ☒ Claim(s) 8 is/are rejected.  
 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:  
         1. ☐ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 8 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Wood et al, U.S. Patent Application Publication No. 2002/0111991 (hereinafter Wood) combined with Bannister et al, U.S. Patent No. 6,621,892 (hereinafter Bannister) in further view of Chan, U.S. Patent No. 6,925,166 (hereinafter Chan).

Regarding claim 8, Wood discloses a method of operating a communications device (see Figure 1), the method comprising:

accessing a voice message system (see 260 from Figure 4);  
retrieving, over a public telephone network, a voice message from the voice message system (see 266 from Figure 4);  
generating a digital audio file representing said message (see 272 from Figure 4);

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sending, using at least one Internet Protocol (IP) packet, the digital audio file representing said message to a service subscriber (see 364 from Figure 6A); and

receiving an E-mail message from the service subscriber in response to the packet, including an audio file (see Figure 6E).

With further respect to claim 8, Woods does not explicitly mention:

the E-mail message includes a telephone number; and  
initiating a telephone call using said telephone number.

Nonetheless, Bannister discloses these limitations (see 216 from Figure 2A and 220 from Figure 2B). Therefore it would have been obvious to one of ordinary skill in the art to modify Woods with the receiving and initiating steps shown by Bannister. This modification would have improved the system's flexibility by allowing individuals to communicate via different mediums as suggested by Bannister (see column 1) and Woods (see Figure 6E).

With further respect to claim 8, the combination of Woods and Bannister does not explicitly explain:

monitoring to detect a speech signal followed by a period of silence; and

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upon detecting said period of silence, playing the audio file.

Nonetheless, Chan discloses these limitations (see 104 and 108). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the Woods and Bannister with the monitoring and playing features of Chan. This modification would have improved the system's efficiency by detecting if the recipient's telephone line is busy, or there is no answer, or an answering machine answers the call as suggested by Bannister (see column 8, lines 10-15), Chan (see Figure 3) and Woods (see paragraph 0055).

#### ***Allowable Subject Matter***

3. The prior art of record fails to show determining from said subscriber input when the first prompt message should be loaded onto a second voice message system. For this reason, claim 9 is allowed.

Regarding claims 15 and 17, the prior art of record fails to show in response to receiving said automatically generated E-mail message, accessing said voice message system by placing a

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telephone call to said voice message system over a telephone network.

As per claim 6, the prior art of record fails to show the combination of presented limitations.

### ***Response to Arguments***

4. Applicant's arguments have been considered but are deemed to be moot in view of the new grounds of rejection.

### ***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated

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from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olisa Anwah whose telephone number is 571-272-7533. The examiner can normally be reached on Monday to Friday from 8.30 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 571-272-7547. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications and 571-273-8300 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

O.A.  
Olisa Anwah  
Patent Examiner  
March 31, 2006

FAN TSANG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

